

REMARKS/ARGUMENTS

This communication is in response to the Non-Final Office Action dated June 25, 2008. Claim10 has been amended to remove the multiple dependencies. New claims 15 & 16 has been added. No new matter has been added. Claims 1-16 remain pending in this application with claims 1 and 12 being the only independent claims. Reconsideration is respectfully requested.

Prior Art Rejections

Claims 12-14 are rejected under 35 U.S.C. §102(e) as being anticipated by Laumen et al. (U.S. Patent Application Publication No.: 2003/0086438).

Claims 1-8 and 10-14 are rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. in view of Gabriel et al. (U.S. Patent Application Publication No.: 2004/0082348)

Claim 9 is rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. and Gabriel et al. in view of Ala-Luukko et al. (U.S. Patent Application Publication No.: 2003/0064706).

Applicant respectfully traverses the prior art rejections for the reasons discussed in detail below.

Independent Claim 1

Independent claim 1 specifies “wherein the e-mail is transmitted from a sender via an e-mail server to the recipient” and that “the e-mails are forwarded from the e-mail server to a specially configured push mail server.” Laumen et al. is directed to a system and method for allowing a message to be edited by the sender or instructioner after it has been sent. Specifically, a second message containing a manipulation instruction for manipulating, recalling, altering or updating the first message after being sent. (Paragraph [0017]) This is further explained in detail in paragraph [0041] and Fig. 4 of Laumen et al. to which the Examiner relies in rejecting the present claimed invention. As shown in Fig.4 and explained in paragraph [0041] a first MMS

message (MM_A) is transmitted from the sending application UAA 1 to the receiving application UAB 11 via two MMS service providers (A and B) including MMS Relay/Servers RSA 2 and RSB 12. Thus, Laumen et al. discloses two MMS service providers each including an MMS Relay/server (e.g., RSA 2 or RSB 12), but fails to disclose or suggest an e-mail server, as claimed, much less that either of MMS Relay/Servers RSA or RSB (which the Examiner maintains is analogous to the claimed “push mail sever”) is connected with an e-mail server for immediate delivery of e-mails received by the e-mail server to the communication terminal of the recipient.

Dependent Claim 2 and 15

Claim 2 states “a subscriber account is established for each subscriber on the push mail server, the subscriber account including at least the telephone number of at least one telecommunication terminal and the original e-mail address of the recipient.” In Laumen et al. there is no disclosure or suggestion for creating such an account including both pieces of information. There is no need or motivation to create such an account based on the two pieces of information since both service providers are MMS service providers. The Examiner acknowledges that Laumen et al. fails to disclose this limitation but relies on Gabriel et al. as a secondary reference to teach this feature. Gabriel et al. discloses “To use this feature of the system a user can create a regular SMS message in the user’s email program, and addresses the message to the desired recipient’s telephone number at the management server’s address (recipient’snumber@managementsever.com).” [Paragraph 0233] Thus, in Gabriel et al. the user themselves must address the message to the desired recipient’s telephone number at the management server’s address, whereas in the present claimed invention this function is performed by the push mail server based on the subscriber account. All the user is required to supply with the e-mail message is the recipient’s e-mail address. Therefore, there is no teaching or suggestion in either Laumen et al. or Gabriel et al. for a subscriber account being established for each subscriber on a push mail sever, wherein “the subscriber account including at least the telephone number of at least one telecommunication terminal and the original e-mail address of the recipient,” as found in claim 2.

Claim 15 contains a limitation similar to that found in claim 2 and thus is patentable over

the prior art of record for at least the same reasons discussed above with respect to claim 2.

Dependent Claims 7 & 16

Claim 7 specifies “wherein the push mail server encapsulates the e-mail in a suitable content type, so that the e-mail can be transmitted via MMS or WAP push format.”

Encapsulation to a suitable content type is necessary so that the e-mail message may be transmitted via MMS or WAP format. As previously noted, with respect to claim 1, in Garbriel et al. the message is communicated between RSA 2 and RSB 12, both of which are MMS providers. Since the servers are both associated with MMS providers, there is no need to “encapsulate” an e-mail message in a suitable content type because the message is already in “a suitable content type.” Accordingly, neither RSA 2 nor RSB 12 (which the Examiner maintains is analogous to the claimed “push mail sever”) reads on the claimed “push mail sever” since neither receives an e-mail message nor encapsulates the e-mail message in a suitable content type for transmission via MMS or WAP. The message received by either RSA 2 or RSB 12 is already in a suitable content type for transmission via MMS or WAP format, rather than receiving a e-mail message in a format which must be encapsulated.

Claim 16 contains a limitation similar to that found in claim 7 and thus is patentable over the prior art of record for at least the same reasons discussed above with respect to claim 7.

Independent Claim 12

Independent claim 12 is distinguishable over Laumen et al. in that it specifies “an e-mail server for transmitting the e-mail from a sender to the recipient” and “a push server connected with the e-mail server for immediate delivery of the e-mail received by the e-mail server to the communication terminal of the recipient.” Laumen et al. is directed to a system and method for allowing a message to be edited by the sender or instructioner after it has been sent. Specifically, a second message containing a manipulation instruction for manipulating, recalling, altering or updating the first message after being sent. (Paragraph [0017]) This is further explained in detail in paragraph [0041] and Fig. 4 of Laumen et al. to which the Examiner relies in rejecting the present claimed invention. As shown in Fig.4 and explained in paragraph [0041] a first MMS message (MM_A) is transmitted from the sending application UAA 1 to the receiving application

UAB 11 via two MMS service providers (A and B) including MMS Relay/Servers RSA 2 and RSB 12. Thus, Laumen et al. discloses two MMS service provider each including an MMS Relay/server (e.g., RSA 2 or RSB 12), but fails to disclose or suggest an e-mail server, as claimed, much less that either of MMS Relay/Servers RSA or RSB (which the Examiner maintains is analogous to the claimed “push mail sever”) is connected with an e-mail server for immediate delivery of e-mails received by the e-mail server to the communication terminal of the recipient.

For the foregoing reasons, Applicant submits that the claims are patentable over the prior art of record and passage of this application to issuance is therefore requested.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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